

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

NAPOLÉON SEPÚLVEDA MORENO, §
and LUZ MARIA MARTINEZ CASTRO, §
and SANDRA LIZETTE CARDENAS §
RAMIREZ, as Next Friend of §
S.S.C., minor child, §
Individually and for and on behalf of §
All Those Who Are Entitled To Recover §
Under The Texas Wrongful Death §
and Survival Acts for the Death of §
JESUS IVAN SEPÚLVEDA MARTINEZ, §
and BRENDA BERENICE CASIAS §
CARRILLO, §

Plaintiffs, §

v. §

LASALLE CORRECTIONS V LLC, §

Defendant, §

CIVIL ACTION NO. 3:24-CV-00059-DB

Jury Trial Demand

PLAINTIFFS' FIRST AMENDED COMPLAINT

INTRODUCTION

COME NOW, Plaintiffs, NAPOLEON SEPÚLVEDA MORENO, LUZ MARIA MARTINEZ CASTRO, and SANDRA LIZETTE CARDENAS RAMIREZ, as Next Friend of S.S.C., minor child, Individually and for and on behalf of all those who are entitled to recover under the Texas Wrongful Death and Survival Acts for the death of JESUS IVAN SEPÚLVEDA MARTINEZ, and BERENICE CASIAS CARRILLO (“Plaintiffs”) and file this Original Complaint complaining of Defendant, LASALLE CORRECTIONS V LLC (“West Texas Detention Facility”)(hereinafter “LASALLE”), and would allege the following:

PARTIES

1. Plaintiffs, NAPOLEON SEPÚLVEDA MORENO and LUZ MARIA MARTINEZ CASTRO, are residents and citizens¹ of San Martin, MCPO, Durango, Mexico. They are the parents of Jesus Ivan Sepúlveda Martinez (“Jesus Sepúlveda”). They bring this petition Individually and for and on behalf of all those who are entitled to recover under the Texas Wrongful Death for the death of Jesus Ivan Sepúlveda Martinez.

2. Plaintiff, SANDRA LIZETTE CARDENAS RAMIREZ, is a resident and citizen of San Martin, MCPO, Durango Mexico. She is the mother of S.S.C. who is the minor child of Jesus Ivan Sepúlveda Martinez. She brings this petition in her capacity as Next Friend of S.S.C., minor child, for and on behalf of all those who are entitled to recover under the Texas Wrongful Death Act and Texas Survival Act for the death of Jesus Ivan Sepúlveda Martinez.

3. Plaintiff, BRENDA BERENICE CASIAS CARRILLO (“BERENICE CASIAS”) brings this petition in her individual capacity. She is a citizen of Texas with the intent to stay in Texas.

4. At the time of Jesus Sepúlveda’s death, his residence was in Mexico. There is no administration of Jesus Sepúlveda pending. No such administration is necessary and Jesus Sepúlveda has no need to administrate his estate. Plaintiff CARDENAS RAMIREZ was Jesus Sepúlveda’s partner at the time of his death. Minor child S.S.C. is his biological child and CARDENAS RAMIREZ is S.S.C.’s biological mother. S.S.C. is heir to Jesus Sepúlveda. Decedent

¹ All references to citizenship refer to citizenship in the context of 28 U.S.C. § 1332 and do not infer any reference to immigration status or classification under the Immigration and Nationality Act. By stating that someone is a citizen, Plaintiffs refer to the fact that they reside in a particular location and have an intention to remain there at least for the foreseeable future. *See, e.g., Preston v. Tenet Healthsystem Mem’l Med. Ctr., Inc.*, 485 F.3d 793, 797-98 (5th Cir. 2007).

died without a written will and has left no debts that are unpaid. Decedent did not own an interest in any real property.

5. Defendant, LASALLE CORRECTIONS V LLC ("LaSalle Corrections"), is a domestic limited liability company formed and operated under the laws of the State of Texas. LaSalle Corrections has as its sole members either McConnell Southeast Corrections, LLC, KPL LLC, Patrick Temple and/or William Keener McConnell. All of these individuals are citizens of the State of Louisiana. LaSalle Corrections has been served in this action.

JURISDICTION AND VENUE

6. This action arises under Texas tort common law. The Court has jurisdiction and venue over these claims because there is diversity of citizenship under 28 U.S.C. § 1332. The action properly lies in the Western District of Texas because events took place inside this District in Hudspeth County, Texas.

FACTS

7. On the evening of September 27, 2022, at around 7:00pm, Jesus Sepúlveda and Berenice Casias, were walking in the desert near Sierra Blanca, Texas which is in Hudspeth County. They were with a small group of people who had stopped to drink water out of a reservoir near Indian Hot Spring Road and FM 1111.

8. Mark Sheppard and Mike Sheppard were traveling in a truck and stopped near the reservoir. Upon information and belief, the truck was assigned to Mike Sheppard and registered to his employer, LaSalle Corrections V LLC. LaSalle Corrections operates the West Texas Detention Facility – a privately run 1,053 bed West Texas detention center in Sierra Blanca, Texas.

9. Mike Sheppard was employed as a warden at LaSalle Corrections V LLC. In his position, he was the highest-ranking management person stationed at the facility and had the authority to employ, direct, and fire employees.

10. Mark Sheppard was employed as a detention officer with Hudspeth County Sheriff's Department. Upon information and belief, he had previously worked as a detention officer at LaSalle Corrections. The two men are fraternal twins.

11. At the time of stopping their truck near the reservoir, the two men were on their way to a meeting of the Hudspeth County Water Control and Improvement District #1 Board (hereinafter "Water Control Board") meeting. Mike Sheppard, as the LaSalle warden, was attending that meeting for the benefit of LaSalle Corrections.

12. Prior to traveling to the Water Control Board meeting, the men were at the Hudspeth County Sheriff's office meeting with Hudspeth County Commissioner Andrew Verdell and the Sheriff of Hudspeth County, Arvin West. The Sheriff of Hudspeth County has stepped in on occasion to act as the interim Warden at LaSalle Corrections when Mike Sheppard was unavailable to perform those duties.

13. After stopping near the reservoir while on his way to the Water Control Board meeting, Mike Sheppard exited the truck with a shotgun. After getting out of the truck, he saw the migrants, leaned on the hood of the truck, aimed towards the migrants, and fired two rounds. Mike Sheppard shot one migrant, Jesus Sepúlveda, in the face and killed him. He also shot another migrant, Berenice Casias, in the abdomen and she survived her injuries. Prior to the shots being fired, one of the Sheppard brothers shouted in Spanish something to the effect of "Come out you sons of bitches, little asses."

14. After shooting Mr. Sepúlveda and Ms. Casias, Mike Sheppard continued on his way to the Water Board meeting. The minutes from the Water Control Board meeting show that the LaSalle warden spoke on Item 10 at the meeting. The minutes also show that Sheriff West also spoke on the same item as the LaSalle warden, Mike Sheppard.

15. Mike Sheppard shot Mr. Sepúlveda and Ms. Casias, two migrants, at approximately 7:00pm, while enroute to accomplish a duty for LaSalle Correction's business with the Water Board. Mike Sheppard had immediately thereafter continued to travel to the Water Board meeting where he addressed the board as part of his duties as the LaSalle warden. The Water Board meeting adjourned at 7:37pm.

16. A few years prior to this incident, LaSalle Corrections detained migrants for Immigration and Customs Enforcement. In 2018, the legal clinics at Texas A&M, University of Texas, along with a non-profit, RAICES, released a report, after investigating the treatment of 80 migrant detainees from February 23, 2018 to March 2, 2018, that found the migrants were subjected to numerous abuses including physical assault, sexual abuse, arbitrary discipline including the indiscriminate use of pepper spray, solitary confinement, racial slurs and denial of medical care. Upon information and belief, Mike Sheppard was the warden during this time of documented abuses towards migrants and Mark Sheppard was a detention officer at LaSalle Corrections. Hudspeth County Sheriff Arvin West was standing in as the warden for Mike Sheppard on February 23, 2018, one of the days during which abuses against the detained migrants took place.

17. At all times during the conduct giving rise to this incident, Mike Sheppard was a Vice Principal for LaSalle Corrections in his position as warden responsible for management of the LaSalle facility. His actions impute liability to LaSalle Corrections.

CAUSES OF ACTION

ASSAULT AND BATTERY/WRONGFUL DEATH

18. Plaintiffs Napoleon Sepúlveda Moreno, Luz Maria Martinez, and Sandra Lizette Cardenas, Next Friend of S.S.C., minor child, for and on behalf of all those who are entitled to recover under the Texas Wrongful Death Act for the death of Jesus Ivan Sepúlveda Martinez, re-allege and incorporate by reference the paragraphs above. The foregoing acts of Defendant constitute assault and battery and caused Jesus Sepúlveda's death.

19. Mike Sheppard's shooting of Jesus Sepúlveda was intentional and knowing. As a Vice Principal of LaSalle, Mike Sheppard's conduct imputes liability to Defendant LaSalle.

20. This suit is brought under the Wrongful Death Statute of the State of Texas provided in Section 71.004 of the Texas Civil Practice and Remedies Code. All statutory death beneficiaries are named herein.

21. Plaintiffs are entitled to recover all damages allowed by law, including loss of care, maintenance, support, services, advice, counsel, and reasonable contributions of a pecuniary value. In addition, they are entitled to recover for loss of companionship and society and for mental anguish as a result of the wrongful death of Jesus Sepúlveda. Plaintiffs seek all damages allowed by law including actual and exemplary damages.

SURVIVAL CLAIM

22. Plaintiff Sandra Lizette Cardenas, Next Friend of S.S.C., minor child, is surviving heir of Jesus Sepúlveda. S.S.C. is entitled to recover for the conscious pain and suffering of Jesus Sepúlveda before he died, as provided in Section 71.021 of the TEX. CIV. PRAC. & REM. CODE.

ASSAULT AND BATTERY

23. Plaintiff Brenda Berenice Casias Castillo re-alleges and incorporates by reference the paragraphs above. The foregoing acts of Defendant constitute assault and battery and caused Brenda Berenice Casias Castillo's injuries.

24. Mike Sheppard's shooting of Brenda Berenice Casias Castillo, was intentional and knowing. As a Vice Principal of LaSalle, Mike Sheppard's conduct imputes liability to LaSalle.

DAMAGES

ESTATE OF JESUS SEPÚLVEDA

25. As a result of the injuries to and death of Jesus Sepúlveda his estate sustained survival damages including conscious physical pain and mental anguish suffered prior to his death. His estate also incurred funeral and burial expenses. His heirs have capacity to pursue this action on behalf of his estate.

WRONGFUL DEATH DAMAGES

26. Plaintiffs Napoleon Sepúlveda Moreno, Luz Maria Martinez, Sandra Lizette Cardenas, Next Friend of S.S.C., minor child, for and on behalf of all those who are entitled to recover under the Texas Wrongful Death Act for the death of Jesus Ivan Sepúlveda Martinez, are entitled to recover all damages allowed by law, including loss of care, maintenance, support, services, advice, counsel, and reasonable contributions of a pecuniary value. In addition, they are entitled to recover for loss of companionship and society and for mental anguish as a result of the wrongful death of Jesus Sepúlveda.

DAMAGES TO BRENDA BERENICE CASIAS CASTILLO

27. Plaintiff Brenda Berenice Casias Castillo is entitled to recover all damages allowed by law, including physical pain and mental anguish, loss of earning capacity, disfigurement, physical impairment, and medical expenses.

28. Plaintiffs seek all damages allowed by law including actual and exemplary damages.

JURY DEMAND

Plaintiffs request a trial by jury.

Signed: April 12, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2024, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will cause all parties or counsel of record to be served by electronic means.

/s/ Christopher Benoit
Christopher Benoit